

Constables FAQ

This document has been prepared for general information purposes only. It is not intended to be a substitute for the *Code of Alabama of 1975*. This is intended only as a resource to assist with questions about constables only. For official guidance, contact the Alabama Constable Association at 251-479-8330.

What is a constable?

A constable is a “conservator of peace”¹ in a certain county. A constable’s duties are:

- (1) To attend the circuit court of the county when summoned by the sheriff for that purpose;
- (2) To execute and return all summons, executions and other process directed to him by any lawful authority;
- (3) To pay over moneys collected by virtue of his office to the person entitled thereto; and
- (4) To perform such other duties as are or may be required of him by law.²

Constables can carry a pistol,³ make arrests,⁴ stop and question any person within reason,⁵ and conduct searches for dangerous weapons.⁶ Constables may also fulfill other duties such as escort a wedding or funeral, enforce traffic at a church or school, and provide security at community events.⁷

Please remember that many counties have local legislative acts that relate to constables in their county. To see if your county has local legislation, please go to http://lsa.state.al.us/PDF/Legal/local_laws/local.laws.index.pdf.

Who can be a constable?

The requirements are: to be a citizen of that county, have no criminal record, and be old enough to carry a firearm (18).⁸ There can only be one constable elected by each voting precinct.⁹ As of Feb. 2021, there are 21 counties in Alabama who still have constables. Those counties are:

- | | |
|-----------|------------|
| - Barbour | - DeKalb |
| - Choctaw | - Elmore |
| - Conecuh | - Etowah |
| - Coosa | - Franklin |
| - Dallas | - Greene |

¹ Ala. Code § 36-23-5

² Ala. Code § 36-23-6

³ Ala. Code § 13A-11-52

⁴ Ala. Code § 15-10-1

⁵ Ala. Code § 15-5-30

⁶ Ala. Code § 15-5-31

⁷ https://www.al.com/news/mobile/2015/03/what_does_a_constable_do.html

⁸ https://www.al.com/news/mobile/2015/03/what_does_a_constable_do.html

⁹ Ala. Code § 36-23-1

- Jefferson
- Marengo
- Marion
- Mobile
- Monroe
- Russell
- Sumter
- Talladega
- Walker
- Wilcox
- Winston

What is the term for a constable?

The term for a constable is 4 years, beginning on the first Monday, after the second Tuesday in January following the election.¹⁰ The elections for constables are held during Presidential Election years within counties that still have the position.

Do constable candidates file pursuant to the Fair Campaign Practices Act (FCPA)?

Yes, if the candidate has received contributions or made expenditures with a view toward bringing about his or her election or has qualified with a party. As with other candidates, the contributions or expenditures must reach the filing threshold of \$1,000 to trigger the Appointment of Principal Campaign Committee form and the reporting requirements.^{11 12}

Should the constable candidate file under a party affiliation, the candidate must file their Appointment of Principal Campaign Committee form upon their qualification.¹³

Do constables file with their county party?

If they intend to run under a party affiliation, they must. They can also run as a write-in candidate, if they wish. Qualifying fees and requirements may vary by county party.

What do I need to know about a public official bond?

Every constable must purchase a bond with a minimum value of \$1,000, not at the expense of the county.¹⁴ This purchase must be done prior to assuming office and filed with their probate office. The bond must be filed with their probate office within 40 days after the declaration of election or after the appointment to office.¹⁵

State officials must purchase a surety bond to ensure that the government should not have to pay for damages, should the state official fail to execute their responsibilities faithfully.

¹⁰ Ala. Code § 36-23-1

¹¹ Alabama Attorney General's Opinion 91-00084

¹² "FCPA Candidate Filing Guide Sixteenth Edition," *FCPA Candidate Filing Guide Sixteenth Edition* (Montgomery, AL, 2018), Pg. 38.

¹³ Ala. Code § 17-5-2 (a)(1)

¹⁴ Ala. Code § 36-23-4

¹⁵ Ala. Code § 36-5-2

Where do constables file their paperwork?

Constables must file 3 forms: their bond, their oath of office, and their SOS-C-Form-1. The bond and oath of office are to be filed with the probate office.¹⁶ The probate office may set deadlines for filing. Contact the probate office to determine these deadlines. The SOS-C-Form-1 and the oath of office are to be mailed to:

Secretary of State
Attn: Government Support
PO Box 5616
Montgomery, AL 36103-5616

How do I get my commission certificate? / What is the SOS-C-Form-1?

The SOS-C-Form-1 verifies that the constable has been duly elected or appointed to serve in the office and that the bond and oath of office have been filed with the probate judge. After this form has been filed and processed, the constable will receive a commission certificate. This can be found on the Oath of Office Information Center page at sos.alabama.gov. This form must be notarized with a notary seal before submitting. The SOS-C-Form-1 and a copy of the oath of office is to be filed with the Secretary of State's Office with a \$5 check/money order made payable to the Alabama Secretary of State for a processing fee. Mail to:

Secretary of State
Attn: Government Support
PO Box 5616
Montgomery, AL 36103-5616

How to get the constable ID card?

In order to receive the constable ID, commission certificate qualifications must be met. Email a headshot photo to sport.code@sos.alabama.gov and mail a check/money order payable to State of Alabama for \$15 to:

Secretary of State
Attn: Government Support
PO Box 5616
Montgomery, AL 36103-5616

¹⁶ Ala. Code § 11-2-3; Ala. Code § 11-2-1